UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,838	02/27/2004	Raja Neogi	ITL.2069US (P18838)	6910

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EXAMINER
SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 6/11/09 have been fully considered but they are not persuasive.

Page 6, paragraph beginning with "This does":

The applicant argues that Dorai does not teach a method wherein selecting an algorithm is based on determined terminal node characteristics. Agnihotri teaches a system for detecting a commercial using an algorithm, and this algorithm can be updated using optimized thresholds that are downloaded to the terminal (column 18, lines 38-67). This optimized algorithm is not based on determined terminal node characteristics. Dorai teaches a system wherein the terminal analyzing algorithm is selected for the terminal based on the bandwidth available to the terminal. It is the opinion of the examiner that one of ordinary skill in the art would have added the terminal optimized algorithm based on bandwidth available to the terminal to the algorithm updating taught by the Agnihotri.

Page 6, paragraph beginning with "It is not seen":

The applicant argues that Kiewit does not teach anything about snooping from a hardware server for characteristics of remote nodes. Agnihotri teaches a system wherein the headend evaluates the data to optimize the algorithm (column 18, lines 38-67). The headend (or server) does not perform snooping to determine the optimized algorithms. Kiewit teaches a system wherein the server extracts signatures from the cable feed (column 5, lines 37-45). It is opinion of the examiner that one could add the

server signature extracting (or snooping) taught by Kiewit to the system disclosed by

Agnihotri.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Justin E. Shepard whose telephone number is (571)

272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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JS

/Joseph G Ustaris/
Primary Examiner, Art Unit 2424